

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Patrick Michael Cochran,	)	Civil Action No.: 2:11-cv-2117-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
N. Chas. Police Officer,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

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Plaintiff brought this *pro se* action pursuant to 42 U.S.C. § 1983. This case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), DSC. On October 17, 2011, the Magistrate Judge issued a Report and Recommendation recommending that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) unless Plaintiff notified the Court that he wishes to pursue this matter and provided the Clerk with his current address by November 3, 2011 . (Dkt. No. 21). Plaintiff has not notified the Court that he wishes to pursue this matter or provided the Clerk with a current address. This Court has reviewed the record, agrees with the Magistrate Judge's Report and Recommendation, and adopts it as the Order of this Court.

**DISCUSSION**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making

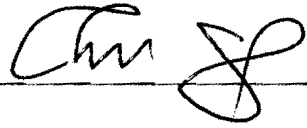
a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate with instructions.” *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

Here, as explained by the Magistrate Judge, a Report and Recommendation and Order were mailed to Plaintiff on September 16, 2011 and returned to the Clerk of Court on September 26, 2011 marked “Not At This Address.” (Dkt. No. 21). The Clerk re-mailed the Report and Recommendation and Order to the Charleston County Detention Center, and it was returned marked “Return to sender no longer incarcerated.” (*Id.*). The service order that was sent to the Plaintiff specifically instructed him to keep the Clerk of Court advised in writing of addresses changes and that failure to do so would not be excused by the Court. (Dkt. No. 6). Plaintiff has failed to update his address with this Court and, as a result, cannot be contacted regarding this case. For the foregoing reasons, this Court adopts the Magistrate Judge’s Report and Recommendation as the Order of this Court and incorporates it herein.

### CONCLUSION

Accordingly, the Complaint is **DISMISSED** with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**AND IT IS SO ORDERED.**



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Richard Mark Gergel  
United States District Court Judge

November 8, 2011  
Charleston, South Carolina